

## **REMARKS**

Claims 1-46 were pending in the present application. Claims 1, 20, 22, 26-28, 30, and 33-34 have been amended. Accordingly, claims 1-46 are still currently under consideration. Amendment and cancellation of certain claims is not to be construed as a dedication to the public of any of any of the subject matter of the claims as previously presented.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

### **Objection Due to Informality**

Claim 1 is objected to because of a formality. Claim 1 has been amended as suggested by the Examiner. In addition, claim 20 has been similarly amended.

### **Rejections under 35 U.S.C. §103(a)**

Claims 1-46 are rejected as allegedly being unpatentable over Marshall (5,675,746). Applicant responds to the rejection first as it pertains to claims 1-19, then as it pertains to claims 20-34 and, finally, as it pertains to claims 34-46.

#### **Claims 1-19**

The Examiner contends that Marshall discloses each element of claim 1, except that "Marshall fails to disclose that the shape for each portfolio is a spiral." The Examiner contends that "Marshall discloses a polygon as well as other shapes." The Examiner specifically references col. 3, ll. 59+. Applicant respectfully traverses the rejection.

While Applicant agrees that "Marshall discloses a polygon," it is noted that the disclosure of a polygon is with respect to the shape of a particular "metaphor". See, e.g., col. 6, ll. 23-40. The characteristics of the metaphor are an indication of the characteristics of the object (in the cited portion, a "stock") represented by the metaphor. For example, the characteristics include number of sides, color and height.

The recitation of “spiral” in independent claims 1 and 11 refers to an arrangement of shapes, not to characteristics of the constituent shapes, as the Examiner appears to be contending. For example (and not by way of limiting the scope of the claims), Figure 2 illustrates that squares representing startup companies are arranged in a spiral pattern, with squares at the center portion being “older startups” and squares at the outer portion being “younger startups.”

Marshall does not disclose or suggest how to arrange the polygons with respect to each other, beyond assigning the shapes to particular areas within a grid. See, for example, Figures 2 and 3a through 3d. It is respectfully submitted that, as a result, independent claim 1, and independent claim 11 and the claims dependent on independent claims 1 and 11) are not obvious in view of Marshall.

If the Examiner continues to reject these claims, then Applicant respectfully requests the Examiner to cite more particular support for the notion that “it would have been obvious for an artisan at the time of the invention . . .” Particularly troubling is the Examiner’s citation of a “mere matter of design choice.” See, for example, *In re Dembicza*k, 50 USPQ2d 1614 (Fed. Cir. 1999). In *Dembicza*k, the Court stated that “a showing of a suggestion, teaching, or motivation must be ‘clear and particular.’” While in the context of a combination of multiple references, the following language from the *Dembicza*k case is instructive and on point to the Examiner’s present rejection in which a single reference is modified:

To the contrary, the obviousness analysis in the Board’s decision is limited to a discussion of the ways that the multiple prior art references can be combined to read on the claimed invention. For example, the Board finds that the Holiday bag reference depicts a ‘premanufactured orange’ bag material, ... finds that Shapiro teaches the use of paper bags in various sizes, including ‘large’, ... and concludes that the substitution of orange plastic for the crepe paper of Holiday and the paper bags of Shapiro would be an obvious design choice. ... Yet this reference-by-reference, limitation-by-limitation analysis fails to demonstrate how the Holiday and Shapiro references teach or suggest their combination with the conventional trash or lawn bags to yield the claimed invention. See Rouffet ... (noting Board’s failure to explain, when analyzing the prior art, ‘what specific understanding or technical principle ... would have suggested the combination’). Because we do not discern any finding by the Board that there was a suggestion, teaching, or motivation to combine the prior art

references cited against the pending claims, the Board's conclusion of obviousness, as a matter of law, cannot stand.

50 USPQ2d at 1617-18 (underlining added).

### **Claims 20-34**

The Examiner contends that Marshall discloses each element of claim 20, including specifically "allocating a plurality of portions of the display to correspond to a plurality of separate *time* segments." The Examiner cites Marshall, col. 11, ll. 30-55 as disclosing this feature. The portion of Marshall cited by the Examiner appears to disclose a quite common graphical display, wherein an axis represents time, and values are displayed to indicate how they change with time. Applicant has made a clarifying amendment to claim 20. It is respectfully submitted that claim 20, as amended, is patentable over Marshall.

As amended, claim 20 recites allocating a plurality of linear portions and displaying along each linear portion an indication of a value of a characteristic. For example (and not by way of limiting the scope of the claims), Figure 6 illustrates a plurality of linear portions, with rectangles displayed along the linear portions. The length of each rectangle is an indication of a value of a characteristic for the time segment to which that linear portion corresponds. Thus, it can be seen that Marshall's conventional graphical display is quite different from what is recited in amended claim 20.

As a result, the subject matter of amended independent claim 20 (and amended independent claim 28, and the claims dependent thereon) is neither disclosed nor suggested by Marshall.

### **Claims 35-46**

The Examiner appears to contend that Marshall discloses each element of claim 35. However, from the explanation provided by the Examiner beginning at page 3 of the Office Action, it appears that the Examiner has not addressed at least one feature recited in claim 35. Applicant respectfully traverses the rejection.

Turning to the language of claim 35, this claim includes a step of “generating a plurality of first shapes.” The Examiner appears to be contending that the “first shapes” in Marshall are the grid squares. However, the “first shapes” in claim 35 are recited as follows: “wherein each first shape indicates a number of associated venture capital firms having a value of a particular characteristic within a range of values that correspond to that first shape.” Thus, taking Figure 8 as an example (and not by way of limiting the scope of the claims), the height of each “bar” 1102 represents the number of companies having a particular range of VC investments. See the specification at, for example, page 11, paragraph 41. Marshall does not disclose such a feature.

The Examiner appears to be citing the “polygons” described in col. 6, lines 10-50 as the “first shapes.” However, this is not entirely clear since, while the feature recited in the first subparagraph of claim 35 is quoted with respect to this portion of the specification, the claim against which this portion of the specification is cited appears to be claim 28. See page 3 of the Office Action, lines 19-20. Applicant can find no other portion of the rejection over Marshall that appears to be directed to the language of claim 35.

Turning to the language of claim 35, if the polygons described in col. 6, lines 10-50 are the “first shapes,” then there are no corresponding “second shapes” that are “within each first shape” such that “each second shape indicates a value of a second particular characteristic of that venture capital firm” or other entity. Furthermore, the Examiner has cited no motivation or suggestion to modify the disclosure of Marshall to include the “second shapes” features.

For at least this reason, Applicant respectfully submits that independent claim 35 (and independent claim 41, and the claims dependent on independent claims 35 and 41) are patentable over Marshall.

## **CONCLUSION**

Applicant has made a sincere effort to overcome rejections and address all issues that were raised in the outstanding Office Action. Accordingly, reconsideration and allowance of the pending claims are respectfully requested. If it is determined that a telephone conversation would

expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 426882005100.

Respectfully submitted,



Dated: December 4, 2002

By:

Alan S. Hodes  
Registration No. 38,185

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5622  
Facsimile: (650) 494-0792

**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Claims:**

Please amend claims 1, 20, 22, 26-28, 30, and 33-34 as follows:

1. (Amended) A method to generate a display, on a display device, representing venture capital ("VC") investments in a plurality of industries, comprising:

allocating a plurality of portions of the display device to correspond to a plurality of separate industries;

allocating a sub-portion of each portion to a sub-industry of the industry to which that portion corresponds; and

within the sub-portion, displaying a shape for each VC portfolio company in that sub-industry, wherein the shapes are arranged in a spiral, including determining the spatial relationship among the shapes in the spiral based on a particular characteristic associated with the VC portfolio companies. <sup>112</sup>

20. (Amended) A method to generate a display, on a display device, representing at least one venture capital firm ("VC"), comprising:

a) allocating a plurality of linear portions of the display to correspond to a plurality of separate time segments;

b) at each of the plurality of linear portions, displaying along the linear portion an indication of a value of a characteristic of the at least one VC firm for the time segment to which that linear portion corresponds.

22. (Amended) The method of claim 20, wherein:

the step of displaying an indication of a value of a characteristic of the venture capital firm includes displaying a rectangle having a length along the linear portion based on the value of the characteristic.

26. (Amended) The method of claim 20, wherein:

the plurality of linear portions are first linear portions, and the at least one venture capital investment firm is a first venture capital firm; and

the method further comprises

allocating a plurality of second linear portions of the display to correspond to the plurality of time segments; and

at each of the plurality of second linear portions, displaying along the second linear portion an indication of a value of the first characteristic of at least one second venture capital firm in the time segment to which that second linear portion corresponds.

27. (Amended) The method of claim 26, wherein the first linear portion corresponding to a particular one of the time segments is adjacent to the second linear portion corresponding to the particular one of the time segments.

28. (Amended) A method to generate a display, on a display device, representing at least one object, comprising:

- a) allocating a plurality of linear portions of the display to correspond to a plurality of separate ranges of a first characteristic;
- b) at each of the plurality of linear portions, displaying along the linear portion an indication of a value of a second characteristic of the at least one object for the range, of the first characteristic, to which that linear portion corresponds.

30. (Amended) The method of claim 28, wherein:

the step of displaying an indication of a value of the second characteristic of the object includes displaying a rectangle having a length along the linear portion based on the value of the second characteristic.

33. (Amended) The method of claim 27, wherein:

the plurality of linear portions are first linearportions, and the at least one object is a first object; and

the method further comprises

allocating a plurality of second linear portions of the display to correspond to the plurality of separate ranges of the first characteristic; and

at each of the plurality of second linear portions, displaying an indication of a value of the second characteristic of at least one second object in the range of the first characteristic to which that second linear portion corresponds.

34. (Amended) The method of claim 33, wherein the first linear portion corresponding to a particular one of the time segments is adjacent to the second linear portion corresponding to the particular one of the time segments.